

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 1997 TOYOTA 4 RUNNER, VIN
JT3GN86V0045038,

Defendant.

02-21691

GIV-MOORE

MAGISTRATE JUDGE
O'SULLIVAN

COMPLAINT FOR FORFEITURE

Plaintiff, the United States of America, files this complaint for forfeiture in rem and states:

1. This is a civil action for forfeiture in rem of One trailer attached to One 1997 Toyota 4 Runner, VIN JT3GN86V0045038 (hereinafter "defendant vehicle"). Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1331 and 1355.

2. Venue lies in this district pursuant to 28 U.S.C. §1395, in that the defendant vehicle is located within the Southern District of Florida and will remain within the district during the pendency of these proceedings.

3. The United States seeks forfeiture of the defendant vehicle pursuant to 21 U.S.C. § 881(a)(4) on grounds that the defendant vehicle is property which is used or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of marijuana.

STATEMENT OF PROBABLE CAUSE

4. On or about June 20, 2001, Special Agents from the Drug Enforcement Agency (“DEA”) seized seventy one and a half pounds (71.5) pounds of marijuana from Raul Herrera.

5. Raul Herrera drove the defendant vehicle with the marijuana inside to the Mall of Americas parking lot in Miami, Florida, where he met with his co-conspirators.

6. Raul Herrera was arrested and charged with marijuana trafficking and the vehicle seized as a conveyance which was used to transport marijuana pursuant to 21 U.S.C. § 881 (a)(4).

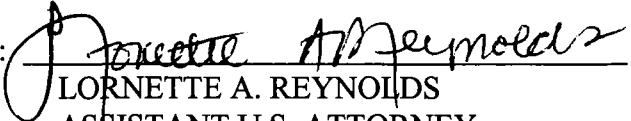
7. By reason of the foregoing, the defendant vehicle is forfeit to the United States pursuant to 21 U.S.C. §§ 881 (a)(4) in that the defendant vehicle constitutes conveyance which was used, or intended for use to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of marijuana in violation of 21 U.S.C. § 841(a)(1).

WHEREFORE, Plaintiff, United States of America requests the Court to declare the defendant vehicle condemned and forfeit to the United States of America, and further requests the Court to direct any and all persons having any claim to the vehicle to file and serve their verified claims and answers as required by Rule C (6) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Title 18 United States Code, Section 983 (a)(4)(A) and (B), or suffer default thereof, to declare the defendant property condemned and forfeit to the United States of America,

pursuant to Title 18, United States Code, Section 981 (a)(1), for disposition according to law; and to grant the United States such other further relief as the Court deems just and proper, together with costs and disbursements of this action.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By: 
LORNETTE A. REYNOLDS
ASSISTANT U.S. ATTORNEY
Fla. Bar No. 035955
99 N.E. 4th Street
Seventh Floor
Miami, Florida 33132
Tel: (305) 961-9294
Fax: (305) 536-7599

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that I have read the foregoing Complaint for Forfeiture In Rem and that the contents are true to the best of my knowledge and belief.

Executed on 6/5, 2002.



BRIAN MCKNIGHT
SPECIAL AGENT, DEA

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1977, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

ONE 1997 TOYOTA 4 RUNNER JT3GN860045038

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF DADE
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME ADDRESS AND TELEPHONE NUMBER)
DADE 02-21691 cv/Kmm/O'Sullivan
LORNETTE A. REYNOLDS, AUSA
99 NE 4th Street, 7th Floor, Miami, Florida
(305) 961-9294

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|----------------------------|----------------------------|
| PTF | DEF | PTF | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of This State | Incorporated or Principal Place of Business in This State | | |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | Incorporated and Principal Place of Business in Another State | | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | Foreign Nation | | |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans Excl. Veterans <input checked="" type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark B SOCIAL SECURITY <input type="checkbox"/> 661 HIA (1995ff) <input type="checkbox"/> 662 Black Lung (923) <input type="checkbox"/> 663 DIWC/DIWW (405(g)) <input type="checkbox"/> 664 SSID Title XVI <input type="checkbox"/> 665 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input checked="" type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Selective Service <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 495 Customer Challenge 12 USC 3410 <input type="checkbox"/> 491 Agricultural Acts <input type="checkbox"/> 492 Economic Stabilization Act <input type="checkbox"/> 493 Environmental Matters <input type="checkbox"/> 494 Energy Allocation Act <input type="checkbox"/> 495 Freedom of Information Act <input type="checkbox"/> 490 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 490 Constitutionality of State Statutes <input type="checkbox"/> 490 Other Statutory Actions <input type="checkbox"/> A OR B
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing, Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS: <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 545 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

LENGTH OF TRIAL

via 2 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/6/02
FOR OFFICE USE ONLY

LORNETTE A. REYNOLDS, AUSA

Lornette A. Reynolds

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____